

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

In the specification, paragraphs have been amended on pages 1, 2, 3 and 8.

Claims 11-13 are requested to be cancelled.

Claims 1-10 are currently being amended.

Claims 14-18 are being added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-10 and 14-18 are now pending in this application.

By the foregoing amendments, claim 1 has been amended to include, *inter alia*, the subject matter previously contained in claims 2 and 3, and claims 11-13 have been cancelled. By these actions, all of the outstanding grounds of rejection have been rendered moot, save for the rejection of claims 1-5, 9 and 10 as being anticipated under 35 U.S.C. § 102(b) by Jacobus (U.S. 2,209,974). Reconsideration of this ground of rejection is respectfully requested in light of the previous amendments to claim 1 and the following remarks.

Jacobus does not identically disclose or describe a heat exchanger in which the tubes have “an at least double-walled construction having a first wall and a second wall in a region which is inserted in an orifice of the tube plate, wherein an inner surface of the first wall bears over at least a substantial portion of its area against an outer surface of the second wall, and wherein said inner surface and said outer surface are brazed to one another over a partial area along the substantial portion of the area in which they bear against one another.” In Jacobus,

the inner and outer tubes space apart over substantially the entire overlapping area, and the tubes are welded together only at one or both ends.

For at least this reason, claim 1 and the claims depending upon it are not anticipated by Jacobus. Therefore, reconsideration and withdrawal of the stated rejection are respectfully requested. New independent claim 14 contains essentially the same subject matter as noted above in claim 1, whereby new claims 14-18 are likewise deemed free of Jacobus.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date June 30, 2006

By



FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5414
Facsimile: (202) 672-5399

Richard L. Schwaab
Attorney for Applicant
Registration No. 25,479